

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

**In RE PAYMENT CARD INTERCHANGE  
FEE AND MERCHANT DISCOUNT  
ANTITRUST LITIGATION.**

**This document refers to:  
ALL RULE 23(b)(3) CLASS ACTIONS**

**Case No: 1:05-md-01720 (MKB) (JAM)**

**NOTICE OF APPEAL**

Notice is hereby given that Jack Rabbit, LLC, who is an *Illinois Brick* Cost-Plus Direct Purchaser and Rule 23(b)(3) Class Member, and former Objector, in the above captioned case, hereby appeals to the United States Court of Appeals for the Second Circuit from the District Court’s Memorandum & Order Granting Defendants’ motion to enforce the [Superseding and Amended Definitive Class] Settlement Agreement (“Order”), filed under seal on May 28, 2024 (ECF No. 9308), and entered in redacted form on June 3, 2024 (ECF No.9314). The Order, which by finding “that Square’s merchant-customers and Intuit’s merchant-customers ‘accepted’ payment cards and are therefore members of the Rule 23(b)(3) Class,” without a concurrent finding the merchant-customers are also *Illinois Brick* Direct Purchasers, diluted Appellant Jack Rabbit’s *pro rata* share of the settlement.

Dated June 27, 2024

Respectfully submitted,

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